App. F. IX-4

Previous References

1935-6
(C.S)
/

File No. 56 - 35
Serial Nos. 1, 6 -9.

Letter References.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. five

Part B for details

SUBJECT.

Draft rule, framed under section 66(4) of the Cooperative Societies Regulation re destruction and sale of Crops

& G.O.P. R. 9. 10. 36

to Consider m. G.

WD 0418—GEB—22,500—29-8-36

Notifies the rule, made under section 66 a of the Regulation for destruction, preservation and sale of standing crops on properties mortgaged to Cooperative Societies

2832 (1 Soop/35

General and Revenue Secretariat | File No. 56 of 1935. | [App. F. III—2

Serial No.	
1	Letter No 3209 dated 12-12-35 from the Registrar Co. forwarding for orders draft rules framed under sec 66(4) of the Cooperative Societies Regulation on the subject of sale of Standing crops etc.

1) The draft rules proposed by the Registrar are adopted from the several sections of the Nigeria Land Revenue Code (sections noted against each rule). A copy of the L.R. Regulation as amended upto date is also put up herewith. The draft rules are framed under sec 66(4) of the Co. Regulation. (Flag V). Their reference is also limited to the Rule XXII (4) of the Rules under the Madras L.S. Act. which contains the rule for the seizure and sale of moveable properties (Flag A) The rules proposed by the Registrar may perhaps be for sanction by the Law Secretariat

Submitted for orders

191/Land 1/12/35 (Sd) 7/12/35 11/12 2) Law-Sec'y)

Reg 24936

3) The proposed rules are under sec 66(4) of the Regd. Coop'e Societies Reg'n as amended by Reg'n I of 1935. They are adopted from the relevant Sections of the Land Revenue as noted in the margin of the rules, with slight alterations

NOTE—Contn Sheet.

WD 03594—GPB—30,000—18-7-35

W1 ✓ 500

(✓)

Cs File No. of 1935. General and Revenue Secretariat

The dfg rules seem to be in order and may be adopted.

TSD. 17/2

4) Can the power to make rules given under sec 66(4) include a power to prescribe a penalty for breach of any rule so made?

MRE 18/3/36.

5) cl (v) of sec 66(4) is comprehensive and seems to include such a power so far as it is required for carrying out the provisions of the section.

TSD 25/3. 6) It is said in Maxwell's Interpretation of Statutes (page 624) that a power to make a bylaw impliedly gives power to annex a reasonable pecuniary penalty for an infringement of the bylaw made. I think the same principle may be applied here. If so the rules are in order & may be accepted.

7) Forwarded with compts to the Govt Advocate for favour of opinion & suggestions if any

MPSarabao 25/3

H.O. No 171 26/3/36

Typo 845 735-36 3 7. 2

Serial No.

No. 220 · 171/35-36
9 16. 4. 36

GENERAL 16 APR. 1936

GEN. & REVENUE DEPARTMENT 17 APR. 1936 DEVELOPMENT BRANCH

GENERAL 24 APR. 1936

8) The rules are in order and may be adopted. The file is returned with Compliments.

N Nagesvara Iyer
14. 4. '36.

9) Dewbr) 16/4

10) Draft sec 17/4/36

11) Draft notice is laid for Consideration
23/4/36 12) Gen. Secy) sec 24/4/36

13) I do not like the first part of Rule 6. Will it not give rise to difficulty? Who is to judge what is the proper Time? If "he shall not delay unduly" we should also provide for bona fide error. How is this done? Why not omit the first part of that rule? Please consult also Asst Secy Law. 25/4

14) This may perhaps be referred to the Asst Secy Law Dept for favour of opinion.
27/4/36 15) Asst Secy, Law Dept with compts. sec 27/4/36

16) Rule 6 proposed is based on Sec 14 9 of the Ors Land Revenue Code and this

NOTE.—Contn. Sheet.

WD 03591—GPB—30,000—18-7-35

(v) Rules under Sec 66(4) of the Cooperative Societies Regulation re. [illegible] and sale of standing crops

File No. 1009/635 of 193 .

General and Revenue Secretariat

is the same as sec 143 of the Bombay Land Rev Code. "defer the reaping of the crop or prolong its deposit unduly so as to damage the produce" is the language used in both these Codes. There is however no harm, I think in omitting the words "the Deputy Com^r shall not ..... the produce and" and substituting the words "the D.C" for "he" in the proposed rule. The rule will then award prescribe a period of 2 months from the date of deposit of crops within which the amount due may be paid & if it is not so paid, it will enable the D.C to realise the dues by sale of the crops. The proviso will make the period of 2 months inapplicable to cases of perishable crops which have to be realised & sold immediately.

191 Land R+R 28/4

(Gen Secy) 28/4

17) The rules with this modification may be approved for publication for public opinion.

28/4

Second member

18) The papers may be sent to Re. for drawing the rules

1/5/36.

GENERAL
28 APR 1936
OFFICE OF THE SECOND MEMBER OF COUNCIL
29 APR 1936
No. 8360

Serial No.

9)

Revd No. 2712 9/5/36
9/5/36

Forwarded: no with Compliments to the Revenue Commissioner in Mysore for favour of recording his views.

M Venkatesalyengar
Genl Secy

C4993
26/6/36

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE
No. .....
- 6 MAY 1936
BANGALORE.

by no 2460/3536/1/5/36
30.JUN.1936

10) Returned with Compliments
The rules are suitable & may be accepted

K Anantharam
Rev Comr 29.6.36

Mr J. Rao
C4993/3/5/36.
30 JUNE 1936

30 JUNE 1936

11) Submitted for orders with reference to minute on last page.

Mr
30/6.
Ag
1.7.36

Second Member)

12) The draft Notn may issue
(under public notice)

Mr
3/7/36.

Mr
3/7 Ag. 7.36

TYPE C...
6. JUL. 1936
GENL & REV. SECTT.

13) Issue complete Notfn.
No. 84 9/7/36
Publishing the draft Rules for information and
comments for objections, if any, within two months

BANGALORE
12 JULY 1936
DEVELOPMENT BRANCH

NOTE—Contn. Sheets are to be used

See Bo Not
end of September 36
Ho
13/7/36

b

2832 / 425 / 633

Gl. File No. 56 of 1935. General and Revenue Secretariat

Letter Dated the 20th July 1936 from Mr. Hosakhpha Krishnadas suggesting certain amendment to the Draft rules ~~Copy~~ Copy to above.

23) Mr. Krishnadas suggests that ~~six~~ six months' time should be allowed before the Registering passes order of disbarment and that, pending, has to be leave for allowing the grower to reap the crop on furnishing adequate personal security. No Objections from others if any, will be awaited, and will be taken up after the end of the prescribed period (Rules) of two months.

Sd/ 28/7/36

24) yes
Sd/
27.7.36

Sec B file 1-10-36
Sd/ 31/7

Letter No S.9.50 dated 15/8/36 from the President L.M. Bank forwarding a note containing suggestions on the draft rules

25) Subject for perusal. The receipt of objections from others will be awaited

Sd/ 7/8/36

Sd/
7.8.36

Sec B file 1/59/36
Sd/ 7/8

SECRETARIAT
3 AUG. 1936
DEVELOPMENT BRANCH

Letter No 2365 dated 15/9/36 from the Registrar Co-operative Societies stating that the Tamil interpretation in the draft has expired and requesting sanction to the rules published

26) Two objections - one by Mr. Hosakhpha Krishnadas and the other by the President L.M. Branch

SECRETARIAT
19 AUG. 1936
DEVELOPMENT BRANCH

633 J 1404 (7 Rules re the distraint and sale of crops

Serial No.

have been received. The draft rules as published in the Gazette are flagged E in the file.

27) The suggestion of the President L.M Boards to substitute "From" for "by" in line 1 of Rule 1 may perhaps be accepted. 7 May M

28) Mr. Hosakere Krishna Rao suggests that the period allowed to the Registrar take action contemplated in Rule 1 may be extended to at least six months. This suggestion is for orders. 7 May M

29) Mr. Krishna Rao's other suggestion is that the standing crops should be allowed to be sold by the ryots after furnishing proper individual security. as otherwise the crops will perish for the disadvantage of both the debtor & the creditor. The President of the L.M Boards however suggests that arrangements be made to reap the crops and deposit them in case the debtor fails to do it in time and debit the cost of labour thereby to the sale proceeds of the crops.. and has suggested an addition to Rule 3 (c).

30) The President L.M Boards also suggests that the service of notice on the holder or holders on the mortgaged lands be under in Rule 4.

31) Submitted for orders with references flagged and marked.

16/9/(35/32) The file may perhaps be sent unofficially to the Registrar for

NOTE—Contn. Sheet.

14-C

File No. of 193 .

General and Revenue Secretariat

remarks on the amendments proposed

Gl Secy 17.9.36

17 SEP. 1936

33) Yes Rao 17/9

34) Forwarded with compliments to the Registrar C.S for favour of remarks.

B.O

Memo No. 4797/36-37

17-9-1936.

2191

21.9.36

In Gl Secy

2591 Secl file

35) 23/9/36.

Retransmitted with compliments. The rules may be approved with the modifications proposed by the President of the Land-Mortgage Bank.

36) As regards the suggestion made by Mr.Hosakoppa Krishna Rao to substitute the words "six months" for "one month" in R.I, it has to be stated that usually the Land-Mortgage Co-operative Societies and the Land-Mortgage Bank are very considerate to their defaulters and seek the preventive remedies in no hurry. There is no likelihood of any abuse by them in making such applications and even if the application should be hasty and proceeding from any motive of unnecessary harassment the Registrar will always have the discretion to see that reasonable time is given to the defaulter to clear up the arrears before he takes any further action on the application.--- Thus there is no harm in fixing the period of default at one month. If on the other

Rules relating distraint and sale of crops

Serial No.

hand it is extended to six months the application may get altogether belated and the remedy applied for may be no remedy at all. Instances can also be easily conceived of where immediate action may be necessary and if the creditor society is under law to wait for six months before it can seek it, it may have to go without any relief. I am therefore of opinion that the period of default be fixed at one month alone, or at any rate never extended beyond two months.

22-9-1936.

M. S. [illegible]
Registrar of C.S.

GENERAL SECRETARIAT 24 SEP. 1936 560

GENERAL SECRETARIAT 23 SEP. 1936 CS
SECRETARIAT
SEP. 1936
DEVELOPMENT BRANCH

OFFICE OF THE SECOND MEMBER OF COUNCIL. 2 - OCT 1936 No 2418

Submitted for orders with reference to Paras 32 & 33 above
Hon CS
23/9/36

The Rules with the modifications suggested by the President of the Bank may be approved

Gl Secy 26.9.36.
Hon
Hon
Ld.
7.10.36

Secd Member

Done
3/10/36.
Gnd
S/CO
Ld
7.10.36

Draft notification submitted for approval
Hon CS
3/10/36

GENERAL SECRETARIAT 5 OCT. 1936 480

NOTE—Contd. on PRINTING SECTION.

GENERAL SECRETARIAT 7. OCT. 1936 GENL & REVS.

Gl Secy Ld 5.10.36
Hon
Done Hon
Ld 6.10.36

1404

(P

CS File No. 56	of 1935	General and Revenue Secretariat

To Re compiling
No. 2608 dt 9-10-36
Registration deeds made under loan bills
Grant Deeds for destraint, procuration and
sale of standing crops on properties mortgaged
to the Co-operative Societies.
Copy of the Register of
No. 2805 dt 14/10/36

9

SEC. & REV. DEPTT. BRANCH
20 OCT 1936
DEVELOPMENT SECTION

6396/35

Copy for Secy II

1) There is a file regarding the modification some of rules relating to the Land Mortgage Bank. Please note wherein it is pending & hurry it up

Secy 2/4

2) It has been ascertained from the Law Section that the file has been referred to the Govt. advocate for remarks. Advise in order whether the receipt of the file together with the remarks of the Govt. Advocate may be awaited

15 APR.

Secy 14/4/36 (Gen. Secy)

(1) Please remind Secy Secy 15/4/36

(3) Secy 16/4 Secretary Secy 16/4/36.

Law Secy 17/4

NOTE.—Contn. Sheet.

WD 03591—GPB—30,000—18-7-35

Law section of the Protection Branch with Compliments for kindly returning the file advocate
16/4/36

The file relating to the rules for distraint of properties was returned to the Director on 17.4.36, vide ref. of Adv's opinion.

Director
c.c.

JSD
20/4.

GEN. & REV. SECT. PLAN.
20 APR. 1936
DEVELOPMENT BRANCH

No. 3209 C.S. GOVERNMENT OF MYSORE.

(1

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address: "CO-OPERT" BANGALORE

Dated, Bangalore, 12 December 1935.

28832

From

GULAM MOHIYUDDIN MEHKRI, ESQ., B.A., LL.B.,
Registrar of Co-operative Societies in Mysore,
BANGALORE.

To

GENERAL SECT. 12 DEC. 1935

M.Venkatesha Iyengar,Esq.,M.A.,
General Secretary to the Government
of Mysore, B a n g a l o r e.

C.S. 56-35-1

Sir,

I have the honour to state that under Section 66(4) of the Mysore Co-operative Societies' Regulation of 1918 as amended by Regulations No.V of 1929 and VI of 1933 and I of 1935 Government have to frame Rules (1) for the manner of effecting distraint of standing crops under Clause (i) of the same Section, (ii) for the custody, preservation and sale of the distrained property, (iii) for the investigation of claims by persons other than the defaulter to any right or interest in the distrained property, and for the postponement of the sale pending such investigation, (iv) for the immediate sale of perishable articles, and (v) generally for the carrying out of the purposes of this Section. As no rules have been yet framed, I request that Government may be pleased to approve of the Draft Rules submitted herewith and to pass early orders in the matter as applications are being received from Land Mortgage Societies for distraint under the said Section.

I have the honour to be,
Sir,
Your most obedient servant,

M. S. M.
Registrar.

L.S.10/12.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

The Government are pleased to make the following Rules ~~under~~ under Section 66(4) of the Mysore Co-operative Societies' Regulation No.VII of 1918 as amended by Regulations No.V of 1929 and VI of 1933 and I of 1935

1. On receipt of an application by the Committee of a Bank under Section 66 of the Mysore Co-operative Societies' Regulation for the recovery of any instalment or part thereof under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land or including the standing crops thereon, the Registrar (may) after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of a sufficient part of the produce of the mortgaged land or including the standing crops thereon.

2. On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the District in which such land is situate to effect the distraint together with a copy of his order.

3. On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner (a) to require that the crop growing on the mortgage land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned endorsed with an acknowledgment of its receipt.

(b) To direct that no such crop shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid.

(c) To cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same and to realise

realise the amount required for the remuneration of the said watchmen.

4. The Deputy Commissioner's orders under either Clause(a) or (b) of the above Rule shall be made known by public proclamation, by beat of drum in the village and by affixing a copy of the order in the Chavadi or some other public building in the village in which the mortgaged land is situate.

5. Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall on conviction after summary enquiry by the Deputy Commissioner be liable to pay a fine not exceeding double the amount for which it had been attached.

6. The Deputy Commissioner shall not defer the reaping of the crop or prolong its deposit unduly so as to damage the produce and if within two months after the crop has been deposited, the amount due together with costs has not been paid, he shall proceed to realise it by sale of such portion of the crop as is necessary, provided that the limit of 2 months shall not apply to articles of a perishable nature, which shall be sold immediately.

7. When the sale of the distrained produce is ordered, the Deputy Commissioner shall issue a proclamation in Kanarese of the intended sale, specifying the amount due, the time and place of sale and whether the sale is subject to confirmation or not. Such proclamation shall be made by beat of tom tom in the village in which the property is seized.

8. A written notice of the intended sale shall be affixed in the Amildar's or the Deputy Amildar's office and in the Chavadi or other public building in the village in which the produce was seized.

9. Sales shall be made by auction by such persons as the Deputy

Deputy Commissioner may direct. No such sale shall take place on a General Holiday recognised by Government or until the expiration of at least seven days from the latest date on which the notice shall have been affixed, as required by the last preceding ~~Section~~ Rule

The sale may from time to time be postponed for any sufficient reason.

see 174 10. Nothing in the last three ~~Sections~~ Rules applies to the sale of perishable articles.

11. If the defaulter or any person on his behalf pays the instal- see 175 ment due together with such other charges legally due by him before the property is knocked down, to the Officer appointed to conduct the sale or if he furnishes adequate security, the sale shall be stayed.

12. Sale of perishable articles shall be finally concluded by the Officer conducting such sales. All other sales finally concluded by see 176, the Officer conducting the sales, shall be subject to confirmation of such officer, as may be directed in orders to be made by the Deputy Commissioner.

13. When the sale of any ~~immovable~~ movable ? property is finally concluded by the Officer conducting the same, the price of every lot shall be see 177 paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever.

14. When the sale of any movable property is subject to confirma- see 178 tion, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent on the amount of his bid and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of the purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale

sale having been confirmed or if the said day be an authorised holiday then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute against all persons ~~whom~~ what soever.

15. In default of payment within the prescribed period of the full amount of purchase money, the deposit after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner, be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

16. If the proceeds of the resale which is held by reason of the purchaser's default be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

17. Every resale of property in default of payment of the purchase-money or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

18. Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be.

19. When any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor Bank and the fact intimated to it or the amount due shall be remitted by a Remittance Transfer Receipt after defraying the expenses of watch and sale.

20. If any claim be set up by a third person to movable property attached under these provisions, the Deputy Commissioner shall admit

admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property - shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as - aforesaid.

L.S.10/12.

Registrar.

Appendix F G—1]

SUBJECT..... 12 copies .....

.....

.....

Section 6.1.

File No. SR-35

Serial No. 6

Diary No. of letter replied to.....

No. D. 84

General and Revenue Secretariat

( )

the *193* .

Date of issue 8/7/36

Signed by Mr M. Venkatesha Iyengar

~~The~~ Notification

Under section 66 (4) of the Mysore Co-operative Societies' Regulation of 1918 as amended from time to time, the Govt of H H the Maharaja of Mysore are pleased to publish (for general information) the following draft rules re the distraint and sale of standing crops; ~~to be hereby published for general information~~

Objections if any, to the rules, as well as suitable suggestions for additions alterations or omissions by persons or bodies likely to be

List of enclosures.....

Copied by.....

Examined by.....

affected by these rules may be forwarded to the Greffier to reach within two months from the date of this notification in the Guernsey Gazette. After which time will be taken into Consideration by the Royal Court. Any objections or suggestions received after the due date will not receive Consideration.

(Here enter the rules)

By Order

Greffier

Ordered by the Royal Court that the Rules be published in the Gazette

Greffier

Rules D.85 of 8.7.36.

Copy of the above is forwarded with Compliments to the Registrar Cl. for information

B.O

Greffier

Department of His Highness the Maharaja of Mysore,
General and Revenue Secretariat,

No. D-ICS. 56-35-6 Bangalore, the 8th July 1936.

NOTIFICATION.

In pursuance of section 66 (4) of the Mysore Co-operative Societies Regulation of 1918 as amended from time to time, the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the following draft rules regarding the distraint and sale of standing crops.

Objections if any, to the rules as well as suggestions for additions, alterations or omissions by persons or bodies likely to be affected by these rules may be forwarded to the General Secretary to Government within two months from the date of this notification in the Mysore Gazette, after which they will be taken into consideration by Government.

No objections or suggestions received after the date will not receive consideration.

from (suggested by Mr K.R.S.)

1. On receipt of an application by the Committee of a Bank under section 66 of the Mysore Co-operative Societies Regulation for the recovery of any instalment or part thereof due under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land including the standing crops thereon, the Registrar may after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of sufficient part of the produce of the mortgaged land including the standing crops thereon.

Sic
Suggested by Mr H.K. Rao

2. On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the District in which such land is situate to effect the distraint together with a copy of his order.

3. On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner :

(a) to require that the crop growing on the mortgaged land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned duly endorsed with an acknowledgment of its receipt.

(b) to direct that such crop shall be removed to a place in which it may be reaped or from any place in which it has been [illegible]

...rtificer, chief headman of his caste or of some other ...
...ified as.

(c) to cause notice to be served over any such claim to ... the said person to remove the same and to ... like the amount required for the reclamation of the said watercourse. (As ... by Mr K.A. Khan) 7Aug M

4. ... beauty Commissioner's orders under either ... (a) or (b) of the above rule shall be made known by ... public proclamation, by beat of drum in the village and by ... affixing a copy of the order in the chavadi or some other ... public place in the village in which the mortgaged land ... is situated.

5. ... person who shall disobey any such order after ... the proclamation or notice thereof has been ... made as aforesaid shall forfeit to the Government of the Indian ... Union such sum not exceeding the amount for ... which the order was issued, as the Deputy Commissioner ... may direct to be levied.

6. ... whose land or any crop has been depo... the Deputy Commissioner may, if the money has not been paid ... or satisfied, proceed to realise it by sale ... like manner as land revenue is realised, provided that ... nothing in this rule shall be deemed to prejudice the ... rights of any person to any surplus proceeds of sale. ... immediately.

7. ... the sale of the deposited crop or produce is ordered, ... the Deputy Commissioner shall cause a proclamation in Kannada ... to be made ... of the intended sale, specifying the time and ... place of sale and whether the sale is subject to confirmation ... or not. ... proclamation shall be subject to confirmation ... if the village in which the property is seized.

8. ... a notice of the intended sale shall be ... affixed in the Tahsildar's or Deputy Commissioner's office and ... in the village or other public building in the village in ... the plot is seized.

9. ... sale shall be made by auction by such person as ... the Deputy Commissioner may direct. No such sale shall take ... place on a public holiday recognised by Government or earlier ... than the expiration of at least seven days from the latest date ... on which the notice shall have been affixed, as required by ... the last preceding rule.

... may from time to time be postponed ... rule.

10. ... in the last three rules of the ... sale of the articles.

11. ... defaulter or any person on his behalf ...

6. Written permission of ... or ... ... aforesaid.

(c) to depute watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the ... and to realise the amount required for the remuneration of the said watchmen. (Addition ... Mr. K.R. ...) Flag H

4. The Deputy Commissioner's order under either (Addition by Mr K.R. ...) Flag H clause (a) or (b) of the above Rule shall be made known by public proclamation, by beat of drum in the village and by affixing a copy of the order in the ... or some other public ... in the village in which the mortgaged land is situated.

5. Any person who shall disobey any such order after it has been so proclaimed or a notice thereof has been served on him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall on conviction after summary enquiry by the Deputy Commissioner be liable to a fine not exceeding double the amount for which ... been attached.

6. ... within ... months after the crop has been deposited ... together with costs has not been paid the Deputy Commissioner shall proceed to realise it by sale of such ... of the crop as is necessary, provided that the limit ... months shall not apply to articles of a perishable nature, which shall be sold immediately.

7. ... the ... of the ... produce so ... the Deputy Commissioner shall issue a proclamation in ... of the ... sale, ... the ... are, the time and place of sale and whether the sale is subject to confirmation or not. Proclamation shall be made by beat of tom tom in the village in which the property is seized.

8. Written notice of the intended sale shall be affixed ... Tahsildar's or the Deputy Tahsildar's office ... in the ... or other public building in the village ... the produce seized.

9. ... shall be made by auction by such person as the Deputy Commissioner may direct. No such sale shall take place on a ... holiday recognised by Government or ... the expiry of at least seven days from the latest ... notice ... shall have been affixed, as required ... last article.

... may from time to time be postponed for any ... sales ...

10. ... in the last three rules applied to ... sale of ... articles.

11. ... defaulter or any person on his behalf ...

[illegible] instalment due together with such other charges [illegible] due by him before the property is knocked down, to the officer appointed to conduct the sale or if he furnishes adequate security, the sale shall be stayed.

12. Sale of perishable articles shall be finally concluded by the officer conducting such sales. All other sales finally concluded by the officer conducting the sales, shall be subject to confirmation of such officer, as may be directed in orders to be made by the Deputy Commissioner.

13. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment the property shall forthwith be again put up for sale. On payment of the purchase money, the officer conducting the sale shall grant a receipt for the same and the sale shall become absolute against all persons whatsoever.

14. [illegible] sale of any moveable property is subject [illegible], the party who is last found to be the highest bidder shall be required to deposit immediately [illegible] the amount of his bid and in default or such deposit, the property shall forthwith be again put up for sale. On payment of the purchase money, the officer conducting the sale shall grant a receipt for the same and the sale shall become absolute against all persons whatsoever.

15. In default of payment within the prescribed period of the full amount of purchase money, the deposit after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

16. If the proceeds of the resale which is held by reason of the purchaser's default be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

17. Every resale of property in default of payment of the purchasemoney or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in

IV

in the manner prescribed for original sales.

7. Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or the purchase money as the case may be

8. When any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor bank and the fact intimated to it or the amount if any shall be remitted by a Remittance Transfer Receipt after deducting the expenses of sale and sale.

9. If any claim be set up by a third person to movable property attached under these provisions, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be free for all purposes, and the proceeds shall be distributable as aforesaid.

By Order,

Sd/- M. Venkatesa Iyengar,

General Secretary to Government.

The Compiler, Mysore Gazette, for publication in the Gazette.

Memo No. D. 85

Dated, Bangalore, the 8th July 1936.

Copy of the above, is forwarded, with compliments, to the Registrar of Co-operative Societies in Mysore, for information.

By Order,

For General Secretary to Government.

L25 Cs 56-35-7

Tel. Address: Hosakoppa Krishna Rao, KOPPA-KADUR.

HOSAKOPPA KRISHNA RAO, P. O. Hosakoppa,
(Koppa-Kadur.)

RECEIVED 21 JULY 1936 DEVELOPMENT BRANCH

Date 13 198

20th July 1936

To

The General Secretary,
The Court of H.H. The Maharaja
of Mysore
Bangalore

RECEIVED 21 JULY 1936

Sir,

With reference to Legislative Notification No D 84-C.S.56-35-6 dated Bangalore, the 8th July 1936 calling for suggestions in regard to Rules regarding the distraint and sale of standing crops for recovery of instalments incidental to Land Mortgage and other Co-operative organisations under Mysore Co-operative Societies Regn. I beg to tender herein below my objections to some of the Rules :—

Rule 1. The period is allowed for the Registrar to take Coercive action

Contemplated in the Rule. It is too drastic and really injures the debtor. At least 6 months' time should, in my opinion, be allowed before the Registar actually passes an order for distraint and sale, after receiving the application by the Committee of the Bank. In this case, the difficulty of payment in time is getting more acute, in view of value of crops getting far lower in these days of depression. Postponing. The suggestion made by me will help to some extent debtors to arrange payment at later date.

There shall be a provision, where the standing crops are distrained, for allowing the grower to reap or harvesting proper, individual's necessity, as otherwise the unreaped crops unreaped in time are bound to perish to the ultimate loss of the poor debtor. None will benefit by it

Tel. Add: **Hosakoppa Krishna Rao,** KOPPA-KADUR.

HOSAKOPPA KRISHNA RAO,

P. O. **Hosakoppa,**
(Koppa-Kadur.)

Date *193*

3

The proceedings in this matter should as far as possible be made liberal enough as otherwise the object for which this Bank has been established will be frustrated, resulting only in the ultimate transfer of properties from the hands of ~~the~~ original owners.

Thanking you in anticipation

I beg to remain

Sir

Your most obedient

Servant.

Krishnarao

WHILE REPLYING PLEASE
REFER TO
S.9. No 50 - Enc one

BANGALORE CITY.
Dated 1st August 1936.

1-33
4 AUG. 1936
DEVELOPMENT BRANCH

From
Diwan Bahadur
Rajasabhabhushana K. R. SRINIVASIENGAR, Esq., M.A.,
President, The Mysore Co-operative Land Mortgage Bank, Ltd.,
BANGALORE CITY.

To
THE GENERAL SECRETARY
to the Government of His Highness
the Maharaja of Mysore, BANGALORE.

GENERAL
-1 AUG. 1936

C 56-35-8

Sir,

With reference to Government Notification No. D 84-C.S. 56-35-6 dated the 8th July 1936, publishing the draft Rules proposed to be issued by Government regarding distraint and sale of standing crops for recovery of loan instalments due to Land Mortgage Societies and calling for suggestions for additions, alterations or omissions, I have the honour to enclose herewith for the consideration of Government, a note containing my suggestions in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

PRESIDENT.

T.V.L.

15

THE MYSORE CO-OPERATIVE LAND MORTGAGE BANK, LTD., BANGALORE CIT

N O T E.

1. In line one of Rule 1, substitute the word "from" for the word "by"

2. Rule 3 (c). It is necessary that provision should be made for the crop being got reaped by somebody else, when the debtor fails to do so in time. It is therefore suggested that the following may be added as Rule 3 (c) numbering the present Rule 3 (c) as Rule 3 (d):-

"3 (c). to arrange for the crop being reaped and deposited, when it is not done in time by the holder of the land, and delay is likely to result in damage to the produce and to realise the cost of labour thereby incurred from the sale-proceeds of the crop."

3. Rule 4. It is desirable that the action taken by the Deputy Commissioner should be forthwith intimated to the debtor in addition to its being published by proclamation. It is therefore suggested that between the words "made known" in line 2 and "by public proclamation" in line 3, the following be inserted:-

"by service of a notice thereof on the holder or holders of the mortgaged land".

PRESIDENT,
Mysore Co-operative Land Mortgage Bank Ltd.

T.V.L.

No. 12365 C.S.

GOVERNMENT OF MYSORE. 1404

DEPARTMENT OF CO-OPERATION.

Telegraphic Address:
"CO-OPERT"
- BANGALORE

OFFICE OF THE REGISTRAR OF CO OPERATIVE SOCIETIES IN MYSORE.

Camp Davangere,

Dated, ~~Bangalore~~ 12. 9. 1936.

15

From,

GULAM MOHIYUDDIN MEHKRI, ESQ., B.A., LL.B.,
Registrar of Co operative Societies in Mysore,
Bangalore.

To

15 SEP 1936

16 SEP 1936

M. Venkateshaiengar, Esq., B.A.,
General Secretary to Government,
Bangalore.

Sir,

With reference to your Memo No: D.85 dated 8th July 1936 forwarding a copy of Notification No: D.84/C.S.56-35-6 dated 8th July 1936 inviting public opinion in respect of the draft rules regarding the distraint and sale of standing crops, I have the honour to state that the time stipulated in the notification has expired and to request that sanction of Government may kindly be obtained early as a large number of applications for the attachment of standing crops ~~are~~ is pending disposal in this office.

I have the honour to be,
Sir,
Your most obedient servant,

M. G. Mehkri

Registrar.

A60

17

Appendix F G—1]

SUBJECT.....

.....

.....

Section 65

File No. 58-35

Serial No. 9

No. D 2608

Diary No. of letter replied to..... .....

To Notification

The Government of H.H. the Maharaja of Mysore are pleased to make the following rules under Section 66 (4) of the Mysore Cooperative Societies Regulation VII of 1918 as amended ~~by Regulation~~ from time to time, for the time being in force, regulating the ~~present~~ ~~custody~~ distraint and sale of standing crops ~~distrained~~ on property mortgaged to Mysore Societies.

(Here enter the portion underlined in brackets in the annexure)

By order

G.V.S.

for Secretary to the Government

General and Revenue Secretariat

( )

the *193* .

Date of issue 9-10-36

Signed by M.K.S.

List of enclosures.....

Copied by .....

To

5.10.36

The Compiler Mysore Gazette for

Examined by.....

WD 03601—GPB—30,000—23-9-35

publication in the Gazette with the request that 250 Copies of the same may thereafter be supplied to this office

Memo

Copy of the above is forwarded with Compliments to the Registrar of Cs. in response to his Memorandum

Gurtej

Govt. Gazette Notification by the Maharaja of Mysore.
General Secretariat.

D.2408/C.S.56-35-8. Dated, Bangalore, the 9th October 1936.

Notification.

The Government of His Highness the Maharaja of Mysore are pleased to make the following rules under Section 66 (4) of the Mysore Co-operative Societies Regulation VII of 1913 as amended from time to time for the distraint preservation and sale of standing crops on property mortgaged to Co-operative Societies:-

1. On receipt of an application from the Committee of a Bank under Section 66 of the Mysore Co-operative Societies Regulation for the recovery of any instalment or part thereof under a mortgage executed in favour of the Bank by distraint and sale of the produce of the mortgaged land including the standing crops thereon, the Registrar may after satisfying himself that the instalment or any part of such instalment has remained unpaid for more than one month from the date on which it fell due and that the application has been made within twelve months from the date on which the instalment fell due, pass an order for the distraint of a sufficient part of the produce of the mortgaged land including the standing crops thereon.

2. On passing such an order, the Registrar shall send a requisition to the Deputy Commissioner of the District in which such land is situate to effect the distraint together with a copy of his order.

3. On receipt of such a requisition from the Registrar, it shall be lawful for the Deputy Commissioner:

(a) to require that the crop growing on the mortgaged land shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him in this behalf and such notice has been returned endorsed with an acknowledgment of its receipt;

(b) to direct that no such crop shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(c) to arrange for the crop being reaped and deposited when it is not done in time by any holder of the land and delay is likely to result in damage to the produce and to realise the cost of labour thereby incurred from the sale proceeds of the crop;

(d) to cause watchmen to be placed over any such

such crop to prevent the unlawful keeping or removal of the same and to realise the amount required for the remuneration of the said watchmen.

4. The Deputy Commissioner's orders under either clause (a) or (b) of the above rule shall be made known by service of a notice thereof on the holder or holders of the mortgaged land, by public proclamation, by beat of drum in the village and by affixing a copy of the order in the Chavadi or some other public building in the village in which the mortgaged land is situate.

5. Any person who shall disobey any such order after the same has been so proclaimed or a notice thereof has been served upon him or who shall within the meaning of the Indian Penal Code abet the disobedience of any such order shall on conviction after summary enquiry by the Deputy Commissioner be liable to pay a fine not exceeding double the amount for which it had been attached.

6. If within two months after the crop has been deposited, the amount due together with costs has not been paid the Deputy Commissioner shall proceed to realise it by sale of such portion of the crop as is necessary, provided that the limit of 2 months shall not apply to articles of a perishable nature, which shall be sold immediately.

7. When the sale of the distrained produce is ordered, the Deputy Commissioner shall issue a proclamation in Kannada of the intended sale, specifying the amount due, the time and place of sale and whether the sale is subject to confirmation or not. Such proclamation shall be made by beat of tom tom in the village in which the property is seized.

8. A written notice of the intended sale shall be affixed in the Amildar's or the Deputy Amildar's Office and in the Chavadi or other public building in the village in which the produce was seized.

9. Sales shall be made by auction by such persons as the Deputy Commissioner may direct. No such sale shall take place on a General Holiday recognised by Government or until the expiration of at least seven days from the latest date on which the notice shall have been affixed as required by the last preceding rule.

The sale may from time to time be postponed for any sufficient reason.

10. Nothing in the last three rules applies to the sale of perishable articles.

11. If the defaulter or any person on his behalf pays the instalment due together with such other charges as

legally due by him before the property is knocked down, to the officer appointed to conduct the sale or if he furnished adequate security, the sale shall be stayed.

12. Sale of perishable articles shall be finally concluded by the officer conducting such sales. All other sales finally concluded by the officer conducting the sales, shall be subject to confirmation of such officer, as may be directed in orders to be made by the Deputy Commissioner.

13. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale or as soon after as the said officer shall direct and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase money, the officer holding the sale shall grant a receipt for the same and the sale shall become absolute as against all persons whomsoever.

14. When the sale of any movable property is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately 25 per cent on the amount of his bid and in default of such deposit, the property shall forthwith be again put up and sold. The full amount of the purchase money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed or if the said day be an authorised holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase money, the purchaser shall be granted a receipt for the same and the sale shall become absolute against all persons whatsoever.

15. In default of payment within the prescribed period of the full amount of purchase money, the deposit after defraying thereout the expenses of the sale shall, at the discretion of the Deputy Commissioner be liable to be forfeited to Government either wholly or in part and the property shall be resold and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

16. If the proceeds of the resale which is held by reason of the purchaser's default be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land revenue.

17. Every resale of property in default of payment of the purchase money or after the postponement of the first sale, shall, except when such resale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales.

18. Where the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase money as the case may be.

12. How any sale becomes absolute, the proceeds shall be credited to the Taluk Treasury to the account of the creditor bank and the fact intimated to it or the amount due shall be remitted by a Remittance Transfer Receipt after defraying the expenses of watch and sale.

13. If any claim be put up by a third person to any of the property attached under these provisions, the Deputy Commissioner shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as aforesaid.

By order,

[signature]

Asst. Secretary to Government.

The Compiler, Extra Gazette, for publication in the Gazette with the request that 250 copies of the same may kindly be supplied to this office

G.O.Ms.12,
9.1.35.

The Notification Instrument
the rules was issued on 8/10/71
and will appear in the
Gazette of this week. The
Commencement date is also mentioned
for perusal

12/10/71

Yours faithfully

Dear Sir,

I have received your letter dated
the rules regarding attachment
of salary etc. We have drawn your
attention to the provisions in the
Rules which will appear in the
Gazette.

THE MYSORE CO-OPERATIVE LAND MORTGAGE BANK, LTD.

ALBERT VICTOR ROAD. CHAMARAJPET.

Diwan Bahadur
RAJASABHABHUSHANA
K. R. SRINIVASIENGAR. M.A.,
PRESIDENT.

BANGALORE CITY.

DATED 11th October 1936

D.O. No: S.J.165.

Dear Mr. Venkatesa Iyengar,

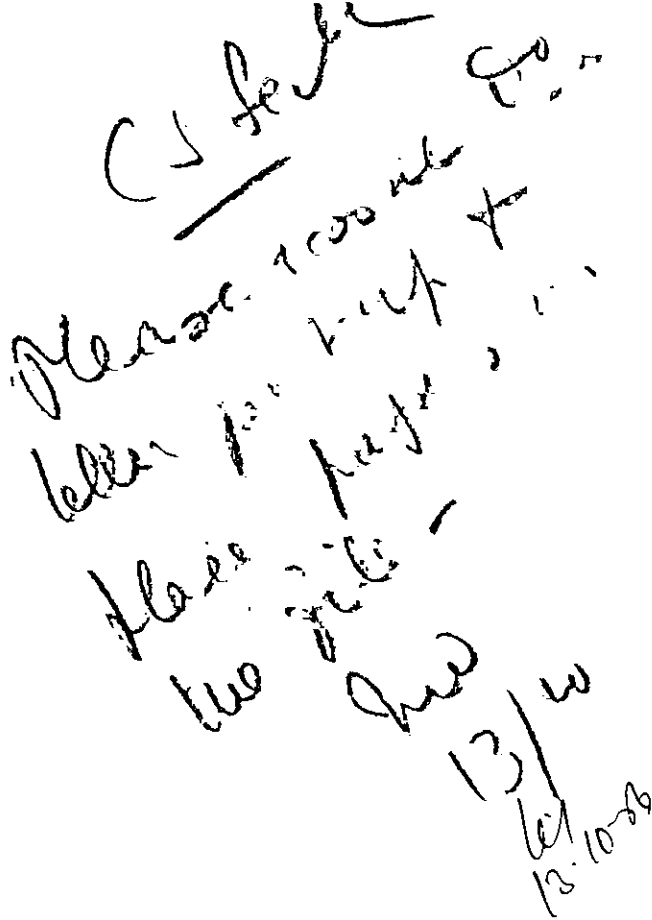
May I invite your kind reference to your letter No. D. 7536 dated 12th June 1936, in which you stated that action will be taken to issue the rules in connection with the attachment of crops for recovery of loan instalments due to Land Mortgage institutions as early as possible? The draft rules were published in the Gazette on 16-7-1936, calling for objections and suggestions for additions etc., within two months. As the period allowed expired on 16-9-36, I request you to kindly see that the rules are approved by Government and issued before the end of this month to enable the Bank to take timely action for the attachment of crops during this harvest - season, in cases in which such action may be found to be necessary.

Yours sincerely,

Srinivasa Iyengar

M. Venkatesa Iyengar, Esqr., M.A.,
General Secretary to the Government of Mysore,
BANGALORE.

T.V.L.



13th October 1936.

Dear Sir,

I have received your D.O.letter No.S.I.165 dated 11th October 1936. The rules regarding attachment and sale of crops for loans due to Land Mortgage institutions were approved and issued on the 9th instant. They will appear in the next issue of the Gazette.

Yours sincerely,

13/10

Diwan Bahadur Rajasabhabhushana
K.R.Srinivasaengar, Esq.,M.A.,
President, Mysore Co-operative
Land Mortgage Bank, Ltd.,
BANGALORE CITY.